

**RANKIN-HINDS PEARL RIVER  
FLOOD AND DRAINAGE CONTROL DISTRICT**  
*"Protecting Rankin and Hinds County"*

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**DIRECTORS:**

**Mr. Billy Orr** – President  
Rankin County Board of Supervisors  
**Mayor Brad Rogers**  
City of Pearl  
**Mayor Harvey Johnson**  
City of Jackson  
**Mr. Socrates Garrett**  
Hinds County Board of Supervisors  
**Mayor Gary R. Rhoads**  
City of Flowood  
**Mayor Mark Scarborough**  
City of Richland  
**Mr. Leland R. Speed**  
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August 10, 2009

Michael C. Wehr, Colonel  
U.S. Corps of Engineers, District Commander  
Department of the Army, Vicksburg District  
4155 Clay Street  
Vicksburg, MS 39183-2435

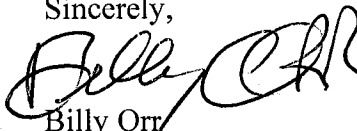
Re: July 1, 2009 Letter from U. S. Army Corps of Engineers to Rankin-Hinds  
Pearl River Flood and Drainage Control District

Dear Colonel Wehr:

Today the Rankin-Hinds Pearl River Flood and Drainage Control District (the "District") voted unanimously to adopt the attached resolution. We look forward to meeting with you to discuss new cost and time schedules for inclusion in a Modified Project Management Plan.

I understand that our staff has been in contact with yours today with the goal of arranging a time for our meeting. We believe it is important that we meet personally with you to outline the understanding between the District and the Corps as we move forward. We look forward to working with the Corps to move this project forward and, speaking on behalf of the entire District Board, the District greatly appreciates the Corps' continued support during the process of determining the best flood control solution for the Jackson Metropolitan area.

Sincerely,

  
Billy Orr  
Chairman

Director Rhoads offered and moved the adoption of the following resolution:

RESOLUTION OF THE BOARD OF THE RANKIN-HINDS PEARL RIVER FLOOD AND DRAINAGE CONTROL DISTRICT (THE "DISTRICT"),

WHEREAS, the Board of the RANKIN-HINDS PEARL RIVER FLOOD AND DRAINAGE CONTROL DISTRICT finds each of the following:

1. Flood protection falls under the jurisdiction of the government, federally approved and facilitated by the United States Army Corps of Engineers ("Corps").
2. The existing flood protection plan cannot be enhanced, removed or amended without the approval of the federal government and the District's Board of Directors (the "Board").
3. For the District to qualify for funding benefits under the 2007 Water Resources Development Act (WRDA) a flood control project must generally be accordance with the plan described in the "Pearl River Watershed, Mississippi Feasibility Study Main Report, Preliminary Draft, dated February 2007," and there must be a record of an official decision by the Board before any flood control plan can be implemented.
4. The existing Preliminary Draft Feasibility Study/Environmental Impact Statement ("Preliminary Draft"), was prepared by the Corps pursuant to the existing Project Management Plan ("PMP") and studied the Levee Plan and the LeFleur Lakes Plan.
5. The Preliminary Draft, which has not been released to the public, is not considered a draft document for public review pursuant to the National Environmental Policy Act ("NEPA").
6. Pursuant to the Assistant Secretary of the Army's letter dated July 14, 2008, the Decision Document to determine the National Economic Development ("NED"), and the Locally Preferred Plan ("LPP"), shall be prepared in accordance with Engineering Regulation (ER) 1105-2-100, which states:

*"A range of alternative plans shall be identified at the beginning of the planning process and screened and refined in subsequent iterations throughout the planning process. However, additional alternative plans may be identified at any time during the process. Plans should be in compliance with existing statutes, administrative regulations, and common law or include proposals for changes as appropriate. Alternative plans shall not be limited to those the Corps of Engineers could implement directly under current authorities. Plans that could be implemented under the authorities of other Federal agencies, State and local entities and non-government interest should also be considered."*

7. The existing PMP should be revised to ensure that the resulting draft report and subsequent final Decision Document fully complies with NEPA and provides for a strong, legally defensible position. Achieving this goal will require the rigorous exploration and objective evaluation of all reasonable alternatives that can be considered for the Jackson metro-area flood control project pursuant to 40 CFR § 1502.14.

8. All reasonable alternatives should include, but not be limited to, (a) a full review of the 1996 Levee Plan; (b) a reasonable variation of the Levee Plan which includes a water impoundment feature; (c) the LeFleur Lakes Plan; (d) a reasonable variation of the LeFleur Lakes Plan as represented in the current Two Lakes Plan, as presented to the Board on May 11, 2009; and (e) those reasonable alternatives studied prior to the Preliminary Draft.

9. The unreleased Preliminary Draft includes the majority of the necessary NEPA compliance information and documentation so that work going forward to incorporate the reasonable variations of the two existing plans listed above should not add significant costs to the preparation of the Decision Document.

10. The District and its staff should be integrally involved with modification of the PMP and the completion of a Decision Document to ensure the project goals and objectives of the District are met in a timely and cost-effective manner.

11. Prior to entering into a modified PMP, the District should request from the Corps a cost and time estimate for the all work necessary to complete a Decision Document.

12. The modified PMP should include a cost-sharing agreement between the District and the Corps which allows the District to supply in-kind services for completing a Decision Document.

THEREFORE, BE IT RESOLVED THAT based upon the foregoing findings, the RANKIN-HINDS PEARL RIVER FLOOD AND DRAINAGE CONTROL DISTRICT, as the official entity for flood control in the Jackson metro area, requests the United States Army Corps of Engineers provide the appropriate modifications of project schedules and costs to the modified Project Management Plan. In addition, the District requests the Corps include all reasonable alternatives in the completed Decision Document.

FUTHERMORE, the District and Corps agree to complete the development of the modified Project Management Plan on 50/50 cost-sharing percentage, with a total budget not to exceed \$50,000.

Director Johnson seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

Director Gary Rhoads	voted: <u>Aye</u>
Director Brad Rogers	voted: <u>Aye</u>
Director Mark Scarborough	voted: <u>Aye</u>
Director Billy Orr	voted: <u>Aye</u>
Director Leland Speed	voted: <u>Aye</u>
Director Harvey Johnson	voted: <u>Aye</u>
Director Socrates Garrett	voted: <u>Aye</u>

The motion having received an affirmative vote of a majority of the members of the Board, the Chairman of the Board of Directors declared the motion carried and the resolution adopted, this the 10<sup>th</sup> day of August, 2009.

RANKIN-HINDS PEARL RIVER FLOOD AND  
DRAINAGE CONTROL DISTRICT

BY: \_\_\_\_\_

CHAIRMAN

ATTEST:

Dita Blau  
SECRETARY